

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

SEAN T. LYNCH,

Plaintiff,

v.

CAROLINE W. COLVIN, Acting
Commissioner of Social Security,

Defendant.

Case No. 12-5951 BHS-KLS

REPORT AND RECOMMENDATION

This matter has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule MJR 4(a)(4) and as authorized by Mathews, Secretary of H.E.W. v. Weber, 423 U.S. 261 (1976). This matter is before the Court on the stipulated motion for remand. (ECF#21). After reviewing the parties' stipulated motion and the remaining record, the undersigned recommends that the Court grant the parties' motion, and remand this matter to the Commissioner for further proceedings.

This Court recommends that on remand, the Administrative Law Judge (ALJ) will give further consideration to the medical opinions of record, including the opinion of Dr. Ragonesi, and articulate what weight is given to each; reevaluate the claimant's residual functional capacity; reassess the claimant's credibility as set forth in SSR 96-7p; and reassess steps four and five with the assistance of a vocational expert, if necessary.

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1 The ALJ will make a de novo determination as to disability, and issue a new decision.
2 Upon proper application, Plaintiff shall be eligible for attorneys' fees under the Equal Access to
3 Justice Act, 24 U.S.C. § 2412 et seq.

4 Given the fact of the parties' stipulation, the Court recommends that the District Judge
5 immediately approve this Report and Recommendation and order the case **REVERSED** and
6 **REMANDED**. A proposed order accompanies this Report and Recommendation.
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8 DATED this 19th day of April, 2013.

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11 Karen L. Strombom
12 United States Magistrate Judge
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